

No. 6845/II-2/NGL.—Whereas it appears to the Governor of Haryana that land specified below is needed by the Government, at public expense, for a public purpose, namely, for the construction of Kanwala distributary from R.D. 80 to R.D. 11,601 feet taking off from R.D. 1,66,919 left Narwana Branch in villages Malor, Ismailpur, Dingerian, Tar Aminpur and Masatpur in tehsil and district Ambala, it is hereby notified that the land in the locality specified below is to be acquired for the above purpose.

This notification is made under the provision of sections 4 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana hereby authorises the officers of Irrigation Department for the time being engaged in the undertaking along with their servants, workmen etc. to enter upon and survey land in the locality and do all other acts required or permitted by the section.

Further, whereas the Governor of Haryana is satisfied that the land is required for an irrigation channel which is of very urgent importance within the meaning of clause (c) of sub-section (2) of section 17 of the said Act, and whereas the Governor of Haryana is of the opinion that the provision of sub-section (2) of the said section are thus applicable, it is hereby directed under sub-section (4) of section 17 of the said Act that the provision of section 5A of the said Act shall not apply in regard to this acquisition.

SPECIFICATIONS

District	Tehsil	Village	Area in Acres	Locality	
				A strip of land varying in width lying generally from West-South to North-East as demarcated at site and as shown on index plan.	
Ambala	Ambala	Malor	1.32	Rectangle Number	Field Number
				25	6
				26	1, 2, 10, 9, 3
Do	Do	Ismailpur	6.52	13	22, 23
				31	18, 23, 17, 24, 16, 14, 15, 6
				32	10, 11, 9, 12, 2, 3, 8, 4
				23	23, 24, 25, 17, 16
				22	20, 11, 12, 9, 8, 13, 7, 3, 4, 5
				18	24, 25
				19	21, 20, 19, 22, 18, 13, 12, 14, 7, 8, 6, 5, 4
Do	Do	Dingerian	1.41	20	1, 10
				29	1, 2
				28	21, 22, 23, 19, 18, 17, 14, 13
Do	Do	Tar-Aminpur	2.56	7	14, 15, 6, 7, 17, 5
				6	1, 2, 10, 9, 3
				2	22, 23, 24, 18, 17, 16, 14, 15
				3	11

District	Tehsil	Village	Area in Acres		Locality
				Rect. No.	Field No.
Ambala	Ambala	Masatpur	5.50	23	15, 6
				24	11, 10, 9, 2, 3, 8, 4, 12
				21	23, 24, 25, 16, 17, 15
				20	11, 20, 12, 9, 8, 13, 19, 10, 3, 4, 7, 5
				10	24, 25, 16
				11	20, 21, 19, 12, 18, 13, 22, 11

No. 6910/1L-2/NGL.—Whereas the Governor of Haryana is satisfied that land specified below is needed urgently by the Government at public expense, namely, for the Construction of Kanwala Distributary from R. D. 80 to R. D. 11601 feet taking off from R. D. 166919 left Narwana Branch in villages Malor, Ismailpur, Dengerian, Tar Aminpur and Masatpur in tehsil and district Ambala, for which notification has been issued under sub-section (4) of section 17 read with Clause (c) of sub-section (2) of section 17 of the said Act and published,—vide Haryana Government Notification No. 6845/1L-2/NGL, dated 25th June, 1975, in *Haryana Government Gazette*, Part I, it is hereby declared that the land described in the specification below is required urgently for the above purpose.

The declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 for the information of all to whom it may concern.

The plans of the land may be inspected in the offices of the Land Acquisition Collector, Public Works Department, Irrigation Branch, Ambala and the Executive Engineer, Project Division No. II, Canal Colony, Model Town, Ambala-3.

SPECIFICATIONS

District	Tehsil	Village	Area in acres		Locality
					A strip of land varying in width lying generally from West South to North-East as demarcated at site and as shown on index plan.
				Rectan- gle Number	Field Number
Ambala	Ambala	Malor	1.32	25	6
				26	1, 2, 10, 9, 3
				13	22, 23
Do	Do	Ismailpur	6.52	31	18, 23, 17, 24, 16, 14, 15, 6
				32	10, 11, 9, 12, 2, 3, 8, 4
				23	23, 24, 25, 17, 16

District	Tehsil	Village	Area in acres		Rect. No.	Field No.
Ambala	Ambala	Ismailpur—concl'd	6.52—concl'd		22	20, 11, 12, 9, 8, 13, 7, 3, 4, 5
					18	24, 25
					19	21, 20, 19, 22, 18, 13, 12, 14, 7, 8, 6, 5, 4
					20	1, 10
Do	Do	Dingerlan	1.41		29	1, 2
					28	21, 22, 23, 19, 18, 17, 14, 13
Do	Do	Tar-Aminpur	2.56		7	14, 15, 6, 7, 17, 5
					6	1, 2, 10, 9, 3
					2	22, 23, 24, 18, 17, 16, 14, 15
					3	11
Do	Do	Masatpur	5.50		23	15, 6
					24	11, 10, 9, 2, 3, 8, 4, 12
					21	23, 24, 25, 16, 17, 15
					20	11, 20, 12, 9, 8, 13, 19, 10, 3, 4, 7, 5
					10	24, 25, 16
					11	20, 21, 19, 12, 18, 13, 22, 11

R. N. PANDIT,

Superintending Engineer,

Sutlej Yamuna Link Circle,
Canal Colony, Model Town,
Ambala-3.

LABOUR DEPARTMENT

The 30th May, 1975

No. 5810-5Lab-75/18462.—In exercise of the powers conferred by sub-section (1) of section 8 of the Factories Act, 1948 (Central Act 63 of 1948) and in partial modification of Haryana Government, Labour Department, notification No. 1365-5Lab-73/95066 dated the 26th March, 1973, the Governor of Haryana, hereby appoints the Factory Inspector, Yamunanagar to be the Inspector for the purposes of the said Act for the whole of Ambala District.

The 11th June, 1975

No. 5518-4Lab-75/18067.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Swatantra Bharat Woollen Mills, Panipat.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT
HARYANA, ROHTAK.

Reference No. 73 of 1973

Between

SHRI RAM SINGH AND THE MANAGEMENT OF M/S SWATANTRA BHARAT
WOOLLEN MILLS, PANIPAT

Present :

Shri Raghbir Singh, for the workman.

Shri Surinder Kaushal, for the management.

AWARD

Shri Ram Singh workman concerned was in the service of M/s Swatantra Bharat Woollen Mills, Panipat as a Spinner and was drawing Rs. 150/- P.M. The management allegedly terminated his services on 24th February, 1973 in an illegal manner and by way of mal or unfair labour practice. He demanded reinstatement with full back wages and conciliation proceedings were started on his demand notice dated 2nd April, 1973 which, however, ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana referred the dispute for adjudication to this court vide order No. ID/KNL/48-B-73/40793-97, dated 10th October, 1973, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, with the following term of reference.

"Whether the termination of services of Shri Ram Singh was justified and in order? If not, to what relief is he entitled?"

The parties put in their respective pleadings. According to the management this workman was found guilty of the charge of theft of Brass weighing about 200 grams belonging to the factory which was recovered from his possession on search by the Chowkidar when he was leaving the factory on 24th December, 1972 at about 1 A.M. He was charge-sheeted on the same day but no explanation of the charge-sheet was submitted by him. A report was also lodged with the police and on 26th December, 1972 in reply to the charge-sheet Shri Ram Singh requested that the management had no right to hold any enquiry against him during the pendency of the criminal case. He also denied the charge of theft levelled against him. The management, however, proceeded with the enquiry and Shri Surinder Kaushal was appointed as Enquiry Officer. He held the enquiry after giving due notice to the workman who took up the same plea before the Enquiry Officer that no enquiry could be held against him during the pendency of the criminal case and for that reason he did not participate in the enquiry inspite of several letters written to him for this purpose. The Enquiry Officer, therefore, conducted the enquiry *ex parte* against him. The management examined six witnesses besides producing other evidence and after considering the findings of the Enquiry Officer passed the order of dismissal from service against the management on 24th February, 1973 which was duly communicated to him. The factum of the prosecution of the workman on being challenged by the police and his acquittal by the criminal court has not been denied but it has been urged that his dismissal from service which was based on the findings of the Enquiry Officer was justified and in order despite his acquittal by the criminal court.

The workman, on the other hand, pleaded that since a case under section 380 Indian Penal Code had been lodged against him in which he had been finally acquitted the management was not competent to hold any enquiry against him and pass the order of his dismissal from service on the basis of the record of the Enquiry Officer.

From the pleadings of the parties the issue which arose for determination in the case was precisely the same as per the term of reference stated above.

The management has placed on record the enquiry proceedings and documents relating thereto Exhibits M. 1 to M. 12 including the order of dismissal from service which have been proved by the Enquiry Officer Shri Surinder Kaushal M. W. 1 and the Partner of the Mill Shri Babu Ram M. W. 2.

The workman has himself come into the witness-box besides examining Shri Jai Pal, Secretary, Engineering Textile Workers Union, Panipat who has proved the correspondence exchange between the management and the union Exhibit W. 1 to W. 8. Shri Jai Pal has admitted in cross-examination that he had never worked in the respondent mill and the case of the present workman had not been taken up by the union. The workman Shri Ram Singh has stated that he had refused to take part in the enquiry proceedings because a criminal case had been lodged against him in which he was acquitted. A copy of the judgment of the criminal court has also been filed in the case.

The case has been argued on both sides and I have given due consideration to the material on record. The law is well settled on the point. The management is not debarred from holding domestic enquiry against a workman who is found guilty of a charge of mis-conduct simply because a criminal case has also been lodged with regard to the same incident. If the worker is found guilty in a fair and proper enquiry held in accordance with the principles of natural justice, the management is well within its right to award adequate punishment to the delinquent workman not withholding his acquittal by the court. I am supported in this view by a judgment of the Madras High Court reported as 1975-1-LL-J-304. There are number of other authorities also to the same effect which it is not necessary to mention here. What is material is to see whether the charge of theft of the property of the factory in the instant case had been duly communicated to the workman and a just and proper enquiry had been held against him into that charge without violating any principle of natural justice. The record speaks for itself. The workman himself does not deny that the charge-sheet was given to him. His only plea before the Enquiry Officer and in the present case is that during the pendency of the criminal case no enquiry could be held against him. The contention is without force and there is abundant authority to the contrary. He has further admitted that due to the above reason he did not participate in the enquiry. According to the Enquiry Officer also several notices were given to him about the enquiry but he declined to participate in it. In the circumstances, the Enquiry Officer had no alternative but to proceed ex parte against him. He examined six witnesses including the Chowkidar and another person in whose presence the stolen property was recovered from his possession when he was searched by the Chowkidar while leaving the factory. The Enquiry Officer had no prejudice or ill-will against this workman. He held the enquiry in a just and proper manner after giving him several notices. No principle of natural justice is shown to have been violated by him in holding the enquiry. The charge was fully established against him in the enquiry by independent and reliable evidence and it being a serious act of mis-conduct committed by the workman in the discharge of his duties, the management was fully competent to dispense with his services.

As already observed, the acquittal of the workman by the criminal court did not in any way vitiate the enquiry or render the action of dismissal from service taken against him by the management as invalid. From the perusal of the judgment of the criminal court, which has been placed on record by the workman, it would be found that as a matter of fact, the actual witnesses of the occurrence, namely, Shri Siri Ram Chowkidar and Bachan Singh in whose presence the stolen property was recovered from the possession of the present workman could not be produced in the criminal case since they were not traceable and apparently for that reason the workman was acquitted by the learned Magistrate. Both these witnesses had, however, appeared before the Enquiry Officer and sworn testimony to the genuineness of the said charge of theft levelled against him. The learned representative of the workman has further argued that the punishment was not awarded to the workman by the competent authority, i.e., the Factory Manager and that it was not commensurate with the guilt, even if it be assumed to be correct. The contention is without force. As already observed, there was a charge of theft of 200 grams of Brass belonging to the factory which the present workman was stealthily removing from the factory hidden in his pocket which was recovered from his possession on his search by the Chowkidar while he was leaving the factory. This was quite a serious charge and since the same had been fully established in a just and proper enquiry held against him, the management was fully competent to deal with him severely without showing any leniency. The partner proprietor of the Mill being senior to the Factory Manager was competent to pass the order of dismissal from service against the workman keeping in view the facts established in the case as discussed above.

So, taking into consideration the facts and the circumstances of the case and for the reasons aforesaid, I did not think the workman concerned has any well-founded claim for reinstatement or payment of any back dues. The offence of theft committed by him being serious enough he deserved no lenient treatment especially when there was no mitigating circumstance and a severe punishment had to be awarded to him to set an example for the other workman not to indulge into any such acts of mis-conduct in the discharge of their duties. The issue involved is, therefore, decided against the workman and his dismissal from service is held to be justified and in order. The award is accordingly made holding that he is not entitled to any relief by way of reinstatement or payment of back dues. There would however, be no order as to costs.

Dated the 28th May, 1975

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1409, dated 2nd June 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.